

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BROWN & BROWN, INC.,	:	
BROWN & BROWN OF	:	
PENNSYLVANIA, INC. and GRINSPEC,	:	
INC.	:	
	:	CIVIL ACTION
Plaintiffs,	:	
	:	
v.	:	
	:	
ROBERT COLA, RYAN TOLA, and :	:	NO. 10-3898
DOYLE ALLIANCE GROUP,	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of *March*, 2011, upon consideration of **(1)** Defendant Ryan Tola's Motion for Summary Judgment (Docket No. 60), the Response of Plaintiffs Brown & Brown, Inc., Brown & Brown of Pennsylvania, Inc., and Grinspec, Inc. (collectively "Plaintiffs") (Docket No. 75), Defendant Tola's Reply Brief (Docket No. 83), and Plaintiffs' Sur-reply Brief (Docket No. 91); and **(2)** Defendant Robert Cola's Motion for Summary Judgment (Docket No. 79) and Plaintiffs' Response (Docket No. 88), it is hereby **ORDERED** that the Motions are **DENIED** as follows:

1. Defendant Tola's request to dismiss the Lanham Act, and Defendant Cola's joinder in that request, are **DENIED**;
2. The remainder of both Defendant Tola's Motion for Summary Judgment and Defendant Cola's Motion for Summary Judgment are **DENIED WITHOUT PREJUDICE** to re-filing upon the close of discovery.

It is so **ORDERED**.

BY THE COURT:

s/ **Ronald L. Buckwalter**  
RONALD L. BUCKWALTER, S.J.